

**VIRGINIA DEPARTMENT OF EDUCATION  
DIVISION OF SPECIAL EDUCATION AND STUDENT SERVICES  
OFFICE OF DISPUTE RESOLUTION AND  
ADMINISTRATIVE SERVICES**

Local Special Education Annual Plan and Report  
2006-2007

Submitted by:

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County/City/Town

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Address

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Date

Please return the **original and one (1) copy** of the Local Special Education Annual Plans and Reports from \_\_\_\_\_ (LEA) by May 22, 2006 to the following address:

Lynda Turrieta-McLeod,  
Administrative Assistant,  
Office of Dispute Resolution & Administrative Services  
Department of Education  
P. O. Box 2120  
Richmond, VA 23218-2120

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**GENERAL INSTRUCTIONS  
ANNUAL PLAN PROCESS  
2006-2007**

All school divisions and state-operated programs and the Virginia Schools for the Deaf and the Blind in Virginia (the Virginia Schools) are required to establish eligibility for funding under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA '04). IDEA '04 requires that each local educational agency (LEA), in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State's policies and procedures, which have been established in accordance with IDEA '04.<sup>1</sup> Each LEA is also required to ensure that these policies and procedures are on file with the Virginia Department of Education (VDOE). This Annual Plan process helps ensure the LEA's accountability, and in turn VDOE's accountability, for implementation of the IDEA '04 requirements in providing programs for children with disabilities.

The following pages provide the necessary forms to assist Virginia's school divisions, state-operated programs, and the Virginia Schools in preparation of their respective 2006-2007 Annual Plan. Please also refer to the Superintendent's Memo, dated December 9, 2005 for additional information and contact assistance.

Virginia Department of Education  
Division of Special Education and Student Services  
Office of Dispute Resolution and Administrative Services

(804) 225-2013

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<sup>1</sup> See IDEA '04 § 1413(a)(1).

## PART I

- ☐ Assurance Statement
- ☐ Superintendent's Certification for School Divisions
- ☐ Policy Statements
- ☐ Changes to Policies and Procedures

## **ASSURANCE STATEMENT**

For the purpose of implementing provisions of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA '04), the \_\_\_\_\_ (LEA/SOP) assures that throughout the period of the 2006-2007 grant award, this local educational agency/state-operated program will comply with all the requirements of Part B of IDEA '04, including, but not limited to:

- (1) All of the policies and procedures that were approved as part of the LEA/SOP's most recent prior year State Plan under Part B of the IDEA '97 that are not inconsistent with the IDEA '04;
- (2) All of the eligibility requirements of Section 613 of IDEA '04; and
- (3) Each of the new requirements of IDEA '04, as outlined in the Virginia Department of Education's Guidance Document entitled, "Required Modifications to Local Policies and Procedures."

The LEA/SOP assures that policies and procedures are kept current. Amendments to policies and procedures are submitted to the Virginia Department of Education as they are adopted by the local school board, or made by the state-operated programs or the Virginia Schools. Any changes made to the policies and procedures will be submitted as amendments to the Annual Plan.

The LEA/SOP also assures that to the extent necessary to make its policies and procedures consistent with the federal implementing regulations of IDEA '04, which are anticipated to be issued in 2006, the LEA/SOP will, immediately following the issuance of the federal regulations, initiate the process to revise its policies and procedures accordingly.

### **IDEA Carryover for Grant Awards for periods beginning July 1, 2004.**

Grants awarded to local school divisions and other public agencies during the 2004-2005 school year are subject to the statutes in effect at the time the funds are used. Therefore, local school divisions must comply with the IDEA '97 and its implementing regulations regarding the aforementioned funds. The Education Department General Administrative Regulations (EDGAR) addresses the issue, at Part 76, Subpart G, Section 710, stating, "A State and a subgrantee shall use carryover funds in accordance with:

- (a) The federal statutes and regulations that apply to the program and are in effect for the carryover period; and
- (b) Any state plan, or application for a subgrant, that the State or subgrantee is required to submit for the carryover period."

The LEA/SOP assures that through the period of the 2004-2005 grant award, this LEA/SOP will comply with these requirements.

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**Superintendent/SOP Director  
Or Designee**

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**Date**

**SUPERINTENDENT'S CERTIFICATION  
SPECIAL EDUCATION POLICIES AND PROCEDURES  
FOR SCHOOL DIVISIONS  
For Annual Plan Year 2006-2007**

Submitted herewith are the policies and procedures for the Special Education Program in \_\_\_\_\_ School Division. The policies and procedures were developed in consultation with the local Special Education Advisory Committee and were approved by the School Board of \_\_\_\_\_ School Division on \_\_\_\_\_(Date).

I hereby certify that this agency has developed policies and procedures to ensure compliance with Board of Education regulations.

I further certify that all students, including those who may be placed in regional programs by this agency, are afforded all assurances as delineated in this document.

\_\_\_\_\_  
**Superintendent or Designee**

\_\_\_\_\_  
**Date**

Note: This page is to be completed by the local school divisions only.

## **POLICY STATEMENTS**

The \_\_\_\_\_ (LEA) assures that it has in effect policies, procedures, and programs that are consistent with the policies and procedures, which the Virginia Department of Education (VDOE) has established in accordance with IDEA '04, to ensure each of the following:

- A free appropriate public education will be available for each child with disabilities, ages two to 21, inclusive (FAPE).
- A full educational opportunity goal is provided for all children with disabilities, from birth to age 21, inclusive, including appropriate career education, pre-vocational education, and vocational education (Full Opportunity).
- All children, ages two to 21, inclusive, residing in the LEA who have disabilities and need special education and related services, who have not been parentally-placed in a private or home school, are identified, located, evaluated, and placed in an appropriate educational program (Child Find).
- An individualized education program will be maintained for each child with disabilities (IEP).
- To the maximum extent appropriate, children with disabilities will be educated with children who are nondisabled in the Least Restrictive Environment (LRE).
- Children with disabilities and their parents or guardians are guaranteed procedural safeguards in the process of identification, evaluation, or educational placement, or the provision of a free appropriate public education (Procedural Safeguards).
- Surrogate parents will be appointed, when appropriate, to act as advocates to serve the education interest of children, age two to 21, inclusive, who are suspected of being or are determined to be disabled (Surrogate Parents).
- Testing and evaluative materials used for the purpose of classifying and placing children with disabilities are selected and administered so as not to be racially or culturally discriminatory (Protection in Evaluation Procedures).
- Program evaluation shall be conducted annually (Program Evaluation).
- Confidential records of children with disabilities shall be properly maintained (Confidentiality).
- Children with Disabilities, who are participating in Part C early intervention programs, and who will be participating in Part B preschool programs, will experience a smooth and effective transition between the programs (Transition from Part C).

- All children, ages two to 21, inclusive, who have disabilities and need special education and related services, and who are parentally-placed in a private school or home school, which is located within the geographic boundaries of the LEA, are identified, located, evaluated and provided services, in accordance with the results of the consultation process (Private Schools).
- Homeless children with disabilities will be served in accordance with the requirements of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act).
- Special education and related service personnel, including paraprofessionals, are appropriately and adequately prepared and trained, and measurable steps will be taken to recruit, hire, train, and retain highly qualified personnel to provide special education and related services to children with disabilities (Personnel Requirements).
- Required information is submitted to VDOE, as requested, regarding the performance goals and indicators which VDOE established to determine the progress of children with disabilities (Performance Goals).
- Children with disabilities are given the right of participating in the State Assessment System (Assessments).
- There will be on-going parent consultation (Parent Involvement).
- Policies and procedures will be in effect which are designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment. (Disproportionality).
- Children with disabilities are not required to obtain prescription medication as a condition of attending school, receiving an evaluation, or receiving special education and related services. (Mandatory Medication).
- Funding will be used to develop and implement coordinated, early intervening educational services, as required (Early-Intervening Services).
- Children with disabilities who attend charter schools are provided services in the same manner as other children with disabilities, who attend public schools (Charter School Students).
- Instructional materials will be provided to children with a visual impairment in a timely manner (Instructional Materials).
- Efforts will be made to cooperate with the United States Department of Education (USDOE) to ensure the linkage of records pertaining to migratory children with disabilities (Migratory Children).

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**Superintendent or Designee/School Division**

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**Date**



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**School Division**

IDENTIFY ON THIS FORM AND SUBMIT TO VDOE ONLY THE CHANGES TO POLICIES AND PROCEDURES THAT ARE NOT CURRENTLY ON FILE WITH THE VIRGINIA DEPARTMENT OF EDUCATION.

| <b>DATE AMENDED</b> | <b>REGULATIONS GOVERNING SPECIAL EDUCATION PROGRAMS FOR CHILDREN WITH DISABILITIES IN VIRGINIA, March 27, 2002, (Virginia Regulations)</b>   | <b>LEA POLICY/ PROCEDURE DOCUMENT</b> | <b>PAGE NO.</b> |
|---------------------|--|---------------------------------------|-----------------|
|                     | 8 VAC 20-80-40 Responsibility of the local school divisions and state-operated programs  |                                       |                 |
|                     | 8 VAC 20-80-45 Special education staffing requirements   |                                       |                 |
|                     | 8 VAC 20-80-50 Child find  |                                       |                 |
|                     | 8 VAC 20-80-52 Referral for evaluation   |                                       |                 |
|                     | 8 VAC 20-80-54 Evaluation  |                                       |                 |
|                     | 8 VAC 20-80-56 Eligibility   |                                       |                 |
|                     | 8 VAC 20-80-58 Termination of special education and related services   |                                       |                 |
|                     | 8 VAC 20-80-60 Free appropriate public education   |                                       |                 |
|                     | 8 VAC 20-80-62 Individualized education program  |                                       |                 |
|                     | 8 VAC 20-80-64 Least restrictive environment and placements  |                                       |                 |
|                     | 8 VAC 20-80-65 Placement of Children at the Virginia Schools   |                                       |                 |
|                     | 8 VAC 20-80-66 Private school placements   |                                       |                 |
|                     | 8 VAC 20-80-68 Discipline  |                                       |                 |
|                     | 8 VAC 20-80-70 Procedural safeguards   |                                       |                 |
|                     | 8 VAC 20-80-70 G. Confidentiality of Personally Identifiable Information   |                                       |                 |
|                     | 8 VAC 20-80-72 Transfer of rights to students who reach the age of majority  |                                       |                 |
|                     | 8 VAC 20-80-74 Mediation   |                                       |                 |
|                     | 8 VAC 20-80-76 Due process hearing   |                                       |                 |
|                     | 8 VAC 20-80-78 Complaints  |                                       |                 |
|                     | 8 VAC 20-80-80 Surrogate parents   |                                       |                 |
|                     | Management of Student Scholastic Records: Submit a copy of the Local Policies and procedures for the Management of Student Scholastic Records.   |                                       |                 |
|                     | 8 VAC 20-80-60 A. Full Education Opportunity Goal: Submit a detailed timetable for accomplishing full educational opportunity for all children with disabilities, from birth through age twenty-one (21) by 2010, including appropriate career education, pre-vocational education, and vocational education. Also provide a description of the kind and number of additional facilities, personnel, and services necessary to meet this goal. |                                       |                 |

## PART II

- ☐ Local Special Education Advisory Committee
- ☐ Special Education in Local and Regional Jails
- ☐ Report on the Implementation of the 2004-2005 Plan

## **LOCAL SPECIAL EDUCATION ADVISORY COMMITTEE**

There shall be a local advisory committee for special education appointed by each local school board to advise the school board through the division superintendent. The composition of the committee shall include parents of children with disabilities and persons with disabilities.<sup>2</sup>

A. Membership.

Local school division personnel shall serve only as consultants to the committee.

B. The function of the local advisory committee shall be as follows:

1. Advise the local school division of unmet needs in the education of children with disabilities;
2. Assist the local school division in the formulation and development of plans for improving performance of children with disabilities specified in the Virginia Special Education Improvement Plan.
3. Participate in the development of priorities and strategies for meeting the identified needs of children with disabilities;
4. Submit periodic reports and recommendations regarding the education of children with disabilities to the division superintendent for transmission to the local school board; and
5. Assist the local school division in interpreting plans to the community for meeting the special needs of children with disabilities for educational services.
6. Review the policies and procedures for the provision of special education and related services prior to submission by the local school board and the Virginia Department of Education.

C. Public notice shall be published annually listing the names of committee members and including a description of ways in which interested parties may express their views to the committee.

D. Committee meetings shall be held at least quarterly and shall be open to the public.

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<sup>2</sup> See the Virginia Regulations, at 8 VAC 20-80-90 E.

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**School Division**

**2005-2006**

**LOCAL SPECIAL EDUCATION ADVISORY COMMITTEE (LAC)\***

| <b>NAME</b>                                   | <b>FULL MAILING ADDRESS<br/>AND ZIP CODE</b> | <b>AGENCY OR GROUP<br/>REPRESENTED</b> |
|---|--|--|
| Chairperson:                                  |  |  |
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| <b>Continue on next<br/>page if necessary</b> |  |  |

Date the LAC reviewed the 2006-2007 Annual Plan and Application \_\_\_\_/\_\_\_\_/\_\_\_\_

**NOTES:**

- Local school division employees who regularly attend LAC meetings are not members of the committee and should only be listed as "consultants".
- School divisions are requested to notify the Virginia Department of Education at (804) 371-7421 if the person serving as the LAC chairperson changes.

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**School Division**

**2005-2006**

**LOCAL SPECIAL EDUCATION ADVISORY COMMITTEE (LAC)\***

| <b>NAME</b> | <b>FULL MAILING ADDRESS<br/>AND ZIP CODE</b> | <b>AGENCY OR GROUP<br/>REPRESENTED</b> |
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## **SPECIAL EDUCATION IN LOCAL AND REGIONAL JAILS**

Each local school division with a regional or local jail in its jurisdiction shall establish an interagency agreement with the sheriff or jail administrator responsible for the operation of the jail. The interagency agreement shall address staffing and security issues associated with the provision of special education and related services in the jail. It is suggested that you review your agreement annually.

### **Interagency Agreement**

School Division\_\_\_\_\_ Local or Regional Jail\_\_\_\_\_

**Directions: Please check the appropriate response. Either yes or no must be checked for question 1.**

1. Is there a local or regional jail located within the geographic boundaries of your school division?

**Yes.**\_\_\_\_\_ Check and continue on to question 2.

**No.** \_\_\_\_\_ You have completed the special education in jails section of the annual plan.

2. Has the Interagency Agreement between your school division and the jail been revised since the submission of your most recent annual plan?

**Yes.**\_\_\_\_\_ Check and submit your revised Interagency Agreement with the 2003-2004 annual plan.

**No.**\_\_\_\_\_ Your existing Interagency Agreement will remain in effect until revisions are made. You do not need to submit it.

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**School Division**

**REPORT ON IMPLEMENTATION  
OF THE 2004-2005 ANNUAL PLAN**

Submit a report indicating the extent to which the annual plan for the 2004-2005 school year has been implemented (Virginia School Laws §22.1-215).